

ORDINANCE NO. 10-01

ORDINANCE REZONING FROM R-1 (ONE FAMILY RESIDENTIAL DISTRICT) TO R-2 (ONE AND TWO FAMILY RESIDENTIAL DISTRICT) ACCORDING TO A SITE PLAN DATED SEPTEMBER 15, 2009, PREPARED BY ALBERTO J. CORRALES, P.E., AND GRANTING A VARIANCE PERMIT TO ALLOW A DUPLEX ON A SUBSTANDARD-SIZED LOT HAVING A FRONTAGE OF 50 FEET AND A TOTAL AREA OF 5,000 SQUARE FEET, MORE OR LESS, WHERE A MINIMUM FRONTAGE OF 75 FEET IS REQUIRED AND A TOTAL AREA OF AT LEAST 7,500 SQUARE FEET IS REQUIRED; AND ALLOW A LOT COVERAGE OF 35%, WHERE A MAXIMUM OF 30% IS ALLOWED, CONTRA TO HIALEAH CODE §§ 98-544 AND 98-2056(b)(2). **PROPERTY LOCATED AT 4187 EAST 9 LANE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of December 9, 2009, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby rezoned from R-1 (One Family Residential District) to R-2 (One and Two Family Residential District) according to a site plan dated September 15, 2009, prepared by Alberto J. Corrales, P.E., and is hereby granted a variance permit to allow a duplex on a substandard-sized lot having a frontage of 50 feet and a total area of 5,000 square feet, more or less, where a minimum frontage of 75 feet is required and a total area of at least 7,500 square feet is required and to allow a lot coverage of 35%, where a maximum of 30% is allowed, contra to Hialeah Code §§ 98-544 and 98-2056(b)(2), which provide in pertinent part: “The minimum building site in the R-2 one- and two-family residential district shall be one lot or parcel

of land containing at least 7,500 square feet of area for each one-family or two-family residence. Such parcels or lots shall have an average width of at least 75 feet and shall also have a minimum average depth of 100 feet. ", and "A maximum of 30 percent of the net residential land area shall be covered with or occupied by the principal residential structure." respectively. Property located at 4187 East 9 Lane, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT 7, IN BLOCK 36, OF INGLESIDE PARK,
ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 10, AT PAGE 31 OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 12th day of January, 2010.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041

Attest PRIOR TO FINAL READING.


Carlos Hernandez
Council President

Approved on this ___ day of ___, 2010.

MAYOR'S SIGNATURE WITHHELD

Rafael E. Granado, City Clerk

Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".

Ordinance was passed and adopted by the Hialeah City Council on January 12, 2010 and became effective January 26, 2010 without Mayor's signature.